



CHRIS CHRISTIE  
Governor

KIM GUADAGNO  
Lt. Governor

## New Jersey Office of the Attorney General

Division of Consumer Affairs  
State Board of Dentistry  
124 Halsey Street, 6<sup>th</sup> Floor, Newark, NJ 07102



PAULA T. DOW  
Attorney General

THOMAS R. CALCAGNI  
Acting Director

September 28, 2010 RECEIVED AND FILED

WITH THE  
N.J. BOARD OF DENTISTRY  
ON 10-19-10 E.J.

By Certified and Regular Mail

Edward Poller, DMD  
c/o John Paul Dizzia, Esq.  
Attorney At Law  
P.O. Box 886  
Cranford, New Jersey 07016

Mailing Address:  
P.O. Box 45005  
Newark, NJ 07101  
(973) 504-6405

Re: Uniform Penalty Letter In Lieu of Formal Disciplinary Complaint  
Ad Log No. 68770 & 71795

Dear Dr. Poller:

This letter is to advise you that the New Jersey State Board of Dentistry (the "Board") has had an opportunity to re-review information concerning the enclosed advertisement along with your response letter dated August 6, 2010 with an attached advertisement dated July 24, 2010 with no name of a dentist in the advertisement.

Upon review of all available information, the Board has preliminarily found that you have violated N.J.A.C. 13: 30-6.2 (9) (n), you failed to list the name(s) of the dentist in the advertisement. A copy of the aforementioned regulations are enclosed for your review.

The Board has determined that it will first offer you an opportunity to settle this matter and thereby avoid the initiation of formal disciplinary proceedings. Should you wish to avail yourself of this opportunity, you should sign the acknowledgment below and agree to the following:

1. Pay a civil penalty in the amount of \$1,000.00 to be paid immediately upon your signing of the acknowledgment at the bottom of this letter), and
2. Cease and desist in violations of Board regulations concerning advertisements.

Alternatively you may waive your right to a hearing and submit a written statement or explanation to the Board. The Board will then consider your submission and render a final decision, which may include any of the terms set forth above. Any disposition by way of a settlement will be a public record, and will have the same effect as an order of the Board. Any failure to comply with the terms to which you agree will be deemed a violation.

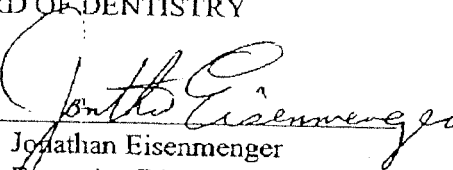
If you do not wish to settle this matter, you may request a hearing. In that event, this letter will serve as notice of the charges against you and a hearing will be scheduled before the Board. At that hearing you either personally or with the assistance of an attorney will have an opportunity to respond to the charges and submit evidence and present testimony as may be necessary in order for the Board to make a final determination concerning the charges of unlawful activity. You should be aware that in making its final decision, the Board may, if unlawful activity has been proven, assess civil penalties in an amount greater than that offered in this letter. Additionally, the Board may, if the facts are found to so warrant, enter an order requiring you to reimburse certain monies, directing you to cease and desist from engaging in unlawful acts and/or requiring you to pay costs incurred in the matter.

Should you have any questions concerning this letter or the settlement offer herein, I suggest that you contact this office.

The enclosed certification should be completed and returned to the Board within fifteen (15) days following your receipt of this letter. In the event that the Board receives no response from you within fifteen (15) days, the Board's settlement offer will be withdrawn, and you will be deemed in default. The allegations against you will be deemed uncontested. The Board will then proceed to schedule the matter for final review and will enter an appropriate order. Once an order has been entered, your failure to pay any penalties may result in further action to suspend or revoke your license.

NEW JERSEY STATE  
BOARD OF DENTISTRY

By: \_\_\_\_\_

  
Jonathan Eisenmenger  
Executive Director

JE/et

## CERTIFICATION

I, Dr. Edward Poller, hereby acknowledge that I have read and reviewed the Board's letter dated September 28, 2010 regarding allegations of violations of the Board's enabling act and/or regulations.

Please check one:

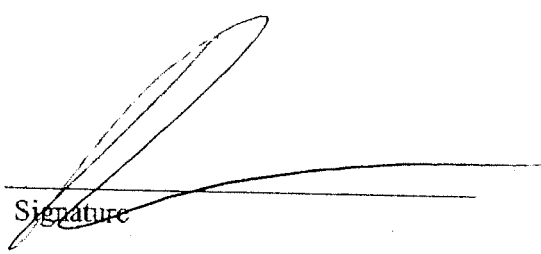
☒ I acknowledge the conduct which has been charged and agree to:

1. Pay a penalty in the amount of \$1,000.00 to be paid upon signing of this certification), and
2. Cease and desist in future violations of Board regulations on advertising.

I am also aware that the action taken against me by the Board here is a matter of public record, and that the Board's letter and this certification are public documents.

\_\_\_\_\_ I hereby waive any rights I may have to a hearing in this matter in order to defend myself against any charges, but ask the Board to **consider my explanation** before rendering its final decision. I understand that the Board may order any of the terms specified in its letter and that if it does so I will be obligated to comply. I am also aware that the action taken against me by the Board herein is a matter of public record, and that the Board's letter and this certification are public documents. Failure to comply may subject me to further disciplinary action and any failure to make a required payment will result in the filing of a certificate of debt.

\_\_\_\_\_ I **request a formal administrative hearing** to contest the charges specified in the UPL. I understand that I will be advised of the time, date and place for that hearing at another time. I am aware that I may be represented by an attorney and that at the time of the hearing I may submit to the Board testimony and documentation relevant to the charges. I understand that in making its final decision, the Board may, if unlawful activity has been proven, assess civil penalties in an amount greater than that herein offered in its letter and may order such other remedies as it may deem appropriate. I am also aware that this proceeding is a matter of public record and that the Board's letter and this certification are public documents.

  
Signature

Dated: